

04-03-07

CLERK OF THE COURTS  
UNITED STATES DISTRICT  
844 N.KING STREET  
WILMINGTON,DELAWARE.

06-018-JJF

MOTION  
JUDGEMENT FOR PLAINTIFF

FACT: THAT OFFICER LEGATES AND OFFICER WHEATLEY DID USE  
EXCESSIVE FORCE TO OBTAIN EVIDENCE FROM PLAINTIFF RESULTING  
IN INJURY.

FACT: CONTRADICTING STATEMENTS FROM OFFICERS SHOWS CONTEMPT  
FOR THE LAW BY OFFICER LEGATES.

FACT: INSUBORDINATION OF DUTY WAS DUE TO COMMON POLICE POLICY  
OR LACK OF PROPER POLICE TRAINING.

IT IS HEREBY REQUESTED THAT  
DEFENSE REQUEST TO DISMISS AND HAVE PLAINTIFF PAY FOR DEFENSE  
COUNCEL BE DENIED AND JUDGEMENT FOR THE PLAINTIFF BE AWARDED.

CC:BRUCE C. HERRON

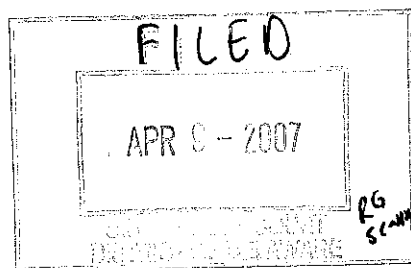
SENT VIA U.S. MAIL

04-03-07

*H. J. [Signature]*

RESPECTFULLY

*[Signature]*  
H.LEIGHTON LASKEY  
527 BAL TIC AVE  
BROOKLYN,MD 21225



04-03-07

CLERK OF THE COURTS  
UNITED STATES DISTRICT  
844 KING STREET  
WILMINGTON, DELAWARE.

06-018-JJF

OPENING BRIEF

THAT FORCE UNDER  
DELAWARE LAW MAY ONLY BE USED IN ACCIDENT OR INJURY, IN A DWI  
CASE, TO OBTAIN EVIDENCE.

THAT OFFICER  
LEGATES REPORT DIFFERS FROM WITNESS OFFICER DOWNS REPORT, IN  
THAT, OFFICER LEGATES REPORT STATES THAT I GOT OUT OF THE POLICE  
CRUISER ON MY OWN WHEN OFFICER DOWNS REPORTS THAT I WAS  
PICKED UP AND HELPED OUT BY OFFICER WHEATLEY. THUS THE LATTER  
SUPPORTING MY CLAIM THAT I WAS DRAGGED OUT OF THE CRUISER.

THAT WHEN I  
REQUESTED AN ATTORNEY ALL ATTEMPTS TO FORCEBLY TAKE EVIDENCE  
SHOULD HAVE CEASED LESS WARRANT ISSUED.

THAT WHEN AN  
OFFICER CAN PICK AND CHOOSE WHO HE DECIDES TO INFORM, OF THE  
LAW, CREATES BIAS AND PREJUDICE TOWARDS THE ACCUSED.

CC. BRUCE C. HERRON

SENT VIA U.S. MAIL

4-03-07

*H. Leighton Laskey*

RESPECTFULLY

*H. Leighton Laskey*  
H. LEIGHTON LASKEY  
527 BALTIMORE AVE  
BROOKLYN, MD. 21225

Report Date: 01/03/2004

Agency: Millsboro PD

Complaint: 84-04-000007

## Victim - Suspect/Defendant Relationships (Cont'd)

|                                       |  |  |
|---------------------------------------|--|--|
| Suspect/Defendant - 001<br>ATLEY, PFC | Suspect/Defendant - 001<br>LASKEY, HOWARD LEIGHTON 2 | Victim Offender Relationship<br>Stranger         |
|                                       |  |  |
| Suspect/Defendant - 001<br>ATLEY, PFC | Suspect/Defendant - 001<br>LASKEY, HOWARD LEIGHTON 2 | Victim Offender Relationship<br>Victimless Crime |
|                                       |  |  |

## Witness Information

|                                  |                         |                |                 |     |        |
|----------------------------------|-------------------------|----------------|-----------------|-----|--------|
| Type<br>Witness                  | Name<br>DOWNS, OFFICER  | Sex<br>Unknown | Race<br>Unknown | Age | D.O.B. |
| Home Telephone<br>(302) 645-6154 | Cell Phone              |                |                 |     |        |
| Type<br>Witness                  | Name<br>OLDHAM, TROOPER | Sex<br>Female  | Race<br>White   | Age | D.O.B. |
| Home Telephone<br>(302) 644-5020 | Cell Phone              |                |                 |     |        |
| Type<br>Witness                  | Name<br>AZAATO, OFFICER | Sex<br>Male    | Race<br>White   | Age | D.O.B. |
| Home Telephone<br>(302) 645-6154 | Cell Phone              |                |                 |     |        |

## Investigative Narrative

On the above date and time I observed a black in color Chevrolet Camaro traveling Northbound on US 113. As it approached SR 24 the vehicle veered from the right lane to the turn lane to the left and West on SR 24. He did not use his turn signal at all. Also, as he was making the left turn, I observed his reverse lights come on while he was traveling forward. He pulled up to the red light at the intersection and then made a right turn proceeding through the intersection and attempting to head North on US 113. I stopped the vehicle and upon my approach I detected a strong odor of an unknown alcoholic beverage emitting from his breath as he spoke to me. The driver was identified as Howard Laskey 2nd by his Maryland driver's license. I asked if he had had anything to drink and he stated that he had a few beers. I asked him to exit the vehicle and perform field tests which he failed. I then administered a PBT which he failed also. He was taken into custody and transported to Beebe Hospital where a blood draw was conducted by RN, Cary Rutherford. While at the hospital he resisted violently while being placed into leg shackles.

On the whole way to the hospital he stated that I better get the big boys because there was no one else there. We were getting blood from his arm. Once at the hospital PFC Wheatley opened the rear passenger door where the defendant was sitting. D-Lanskey said, What are you going to pull me out of the car. PFC Wheatley told him that he could get out on his own. He did so and was instructed to stand facing the rear fender, which he did. He was then told to lean over the trunk, which he also did. PFC Wheatley reached down to place a leg shackle on the defendant, at that point he stood up straight. PFC Wheatley then told the Lewes PD officers to have the defendant lean back over the trunk. When they attempted to do so he began resisting violently and kicking his legs at PFC Wheatley. I ran around the car and assisted PFC Wheatley in controlling his legs. Also a Beebe Hospital security officer assisted in holding his legs. While resisting he kicked PFC Wheatley in the stomach. When D-Lanskey was placed onto the trunk by the Lewes officers his nose was struck and was bleeding from the right side. I noticed this after he was placed onto the bed in the ER. Before leaving the hospital I asked him if he wanted his nose taken care of and he told me to shut up. While laying on the bed he wiped the blood from his nose onto the arm of RN, Cary Rutherford.

After his blood was drawn he was transported to Millsboro PD and further processed. While at the station, after calming down, he was again asked if he wanted any type of treatment for his

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## Investigative Narrative - Continued

and he again declined. He was then transported to JP3 where he was subsequently  
itted to SCI.

blood evidence chain of custody was completed and then placed into evidence.

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Reporting Officer  
FC LEGATES - 10672  
Detective Notified

Supervisor Approval  
JOHN K MURPHY OJMBJKM Date 01/05/2004 1334

Availability Factors

Witness

Suspect Located

M. O.

Suspect Described

Referred To

Trace Stolen Property

Suspect Identified

Suspect Named

Suspect Vehicle Identified

Status

Closed

Report Date: 01/03/2004

Agency: Lewes PD

Complaint: 76-04-000011

Time: 0130

## Initial Crime Report

Occurred: SAT 01/03/2004 0130

Savannah RD Lewes, DE 19958

BEEBE MEDICAL CTR.

Incident Overview: WRITER AND PTLM. AZATO RESPONDED TO ASSIST MILLSBORO PD FOR A SUBJECT THAT WAS VERY DISORDERLY FOR A BLOOD DRAW.

|         |              |                  |   |   |  |
|---------|--------------|------------------|---|---|--|
| 200-124 | Social<br>73 | County<br>Sussex | Domestic Related<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4-F-14 Sent?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Gen Broadcast Sent?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---------|--------------|------------------|---|---|--|

## Victim Information

|  |  |   |                                      |  |            |               |     |        |
|--|--|---|--------------------------------------|--|------------|---------------|-----|--------|
| Victim Number<br>001   | Name<br>MILLSBORO POLICE DEPT  |   | Sex                                  |  | Race       | Ethnic Origin | Age | D.O.B. |
| Government   |  |   |                                      |  |            |               |     |        |
| Address<br>MILLSBORO PD<br>Millsboro, DE 19966   |  | Resident Status   | Business Telephone<br>(302) 934-8174 |  | Cell Phone |               |     |        |
| Reporting Person?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Victim Injured?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Victim Deceased?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Officer Comments                     |  |            |               |     |        |
| Injuries   |  |   | Description of Injuries              |  |            |               |     |        |

## Suspect/Defendant Information

|                                |                                |                                 |                                   |                |                       |                    |
|--------------------------------|--------------------------------|---------------------------------|-----------------------------------|----------------|-----------------------|--------------------|
| Sequence<br>001                | Type<br>Suspect                | SBI Number<br>00520166          | Name<br>LASKEY, HOWARD LEIGHTON 2 |                | Nick Name             |                    |
| Sex<br>Male                    | Race<br>White                  | Ethnic Origin<br>Non-Hispanic   | Age<br>39                         | D.O.B.<br>1964 | Height<br>5' 08"      | Weight<br>180      |
| Hair Color<br>Black            | Hair Length                    | Hair Style                      | Facial Hair                       | Voice Speech   | Tooth                 | Skin Tone<br>Light |
| Disguise                       | Disguise Color(s)              | Resident Status<br>Non Resident | Unusual Characteristics           |                | Armed With<br>Unarmed |                    |
| Address<br>BALTIMORE, MD 21225 |                                | Home Telephone                  | Cell Phone                        |                |                       |                    |
| Number                         | Suspect's Clothing Description |                                 |                                   |                |                       |                    |

## Crimes and Associated Information

|  |                  |   |  |                 |
|--|------------------|---|--|-----------------|
| Victim Number<br>001   | Crime Seq<br>001 | Statute   | Crime Description<br>Assist Other Agency   |                 |
| Location Of Offense<br>Drug Store/Dr. Office/Hospital  |                  | Status<br>Service Clear 01/03/2004              | Involvement<br><input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer | General Offense |
| Suspected Hate/Bias<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A |                  | Crime Code<br>8106 - Assist Other Police Agency |  |                 |
| Burglary Force Involved<br><input type="checkbox"/> Yes <input type="checkbox"/> No              |                  |   |  |                 |

## Victim - Suspect/Defendant Relationships

|                                       |  |  |
|---------------------------------------|--|--|
| Victim - 001<br>MILLSBORO POLICE DEPT | Suspect/Defendant - 001<br>LASKEY, HOWARD LEIGHTON 2 | Victim Offender Relationship<br>Stranger |
|---------------------------------------|--|--|

## Witness Information

|  |                 |                     |                |                 |     |        |
|--|-----------------|---------------------|----------------|-----------------|-----|--------|
| Sequence<br>001                        | Type<br>Witness | Name<br>AZATO, PTLM | Sex<br>Unknown | Race<br>Unknown | Age | D.O.B. |
| Address<br>LEWES PD<br>Lewes, DE 19958 |                 | Home Telephone      | Cell Phone     |                 |     |        |

## Investigative Narrative

ON SATURDAY 01-03-2004 AT APPROXIMATELY 0130 HRS. WRITER, PFC. S.A. DOWNS, AND PTLM. AZATO RESPONDED TO THE BEEBE MEDICAL CTR. EMERGENCY ENTERANCE TO ASSIST MILLSBORO PD WITH A LEGAL BLOOD DRAW ON A DISORDERLY SUBJECT. UPON ARRIVAL, PFC. WHEATLEY ADVISED THAT THE SUBJECT, HOWARD L LASKEY 2ND, HAD STATED THAT IT WAS GOING TO TAKE ALL THE MUSCLE THAT THEY HAD TO BE ABLE TO TAKE BLOOD FROM HIM. ONCE PFC LEGATES ARRIVED AT THE HOSPITAL, PFC. WHEATLEY ASKED THE SUBJECT TO GET OUT OF THE POLICE VEHICLE AND THE SUBJECT REFUSED TO MOVE. WHEATLEY PICKED UP THE SUBJECT AND HELPED HIM OUT OF THE POLICE VEHICLE. WHEATLEY THEN DIRECTED LASKEY TO THE REAR OF THE POLICE VEHICLE AND ASKED HIM TO LEAN OVER THE TRUNK SO HE WAS ABLE TO PUT SHACKLES ON HIS LEGS. AT THAT TIME, THE SUSPECT STOOD STRAIGHT UP AND BEGAN TO KICK PFC WHEATLEY. WRITER AND PTLM. AZATO THEN HELD THE SUSPECT DOWN OVER THE TRUNK OF THE POLICE VEHICLE WHILE WHEATLEY AND PFC LEGATES GAINED CONTROL OF HIS LEGS AND GOT THE SHACKLES ON. THE SUBJECT STILL CONTINUED TO STRUGGLE WITH ALL THE OFFICERS THAT WERE INVOLVED. THE SUSPECT REFUSED TO

REDACTED



10-2000 FRI 11:11 AM

MILLSBORO-TOWN-HALL

3029347682

P. 14

Report Date: 01/03/2004

Agency: Lewes PD

Complaint: 76-04-000011

## Investigative Narrative - Continued

THE ER AND HAD TO BE CARRIED IN THE EMERGENCY ROOM. ONCE IN THE ER ROOM THE SUSPECT CONTINUED TO USE FOUL LANGUAGE AND STILL REFUSED TO HAVE HIS BLOOD DRAWN. WHILE WITNESS RUTHERFORD WAS DRAWING BLOOD FROM THE SUSPECT. THE SUSPECT ATTEMPTED TO BITE RUTHERFORD. AT THAT TIME, THE SUSPECT HAD TO BE RESTRAINED WHILE THE NURSES FINISHED THE DRAW. ONCE COMPLETED, THE SUSPECT WOULD NOT WALK OUT OF THE ER AND HAD TO BE CARRIED BACK TO THE POLICE VEHICLE FOR TRANSPORT.

WITNESS AND PTLM. AZATO CLEARED THE COMPLAINT ONCE THE SUSPECT WAS PLACED BACK INTO THE POLICE VEHICLE.

H. CASKERY  
527 BATTLE AVE  
BROOKLYN, MD 21225

CLERK OF THE COURTS  
UNITED STATES DISTRICT  
844 N. KING STREET  
WILMINGTON DECAWRE 19801

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KTS.M.S.  
K-171